CITY OF SPRINGDALE
Committee Agendas
Monday, April 1<sup>st</sup>, 2019
Multipurpose Room #236
City Administration Building
Meetings begin at 5:30 p.m.

### Committee of the Whole:

1. <u>Discussion</u> about Springdale Youth Council. Item presented by Ashely Earhart Director of Public Relations.

### Street & CIP Committee by Chairman Rick Evans:

- 2. <u>Update</u> prioritizing the next street projects for the 2018 bond project. Item presented by Brad Baldwin Director of Engineering and Public Works Department and Wyman Morgan Director of Administration and Financial Services.
- 3. <u>An Ordinance</u> repealing Ordinance No. 3194; establishing a traffic signal controller standard and a video detection system standard for use in traffic signals within the city of Springdale, to waive competitive bidding, to declare an emergency, and for other purposes. Item presented by Brad Baldwin Director of Engineering and Public Works Department. 2-3

#### Parks & Recreation Committee by Chairman Mike Lawson:

- 4. <u>Report</u> discussing the repairs at the new Springdale Recreation Center. Item presented by Bill Mock, Director of Parks and Recreation and Wyman Morgan, Director of Administration and Financial Services.
- 5. **Discussion** concerning youth sports programs. Item presented by Amelia Williams

## Health Sanitation & Property Maintenance by Chairman Brian Powell:

- 6. <u>Ordinance</u> ordering the razing (demolition) and removal of a certain residential structure within the City of Springdale, Arkansas, located at 1201 N. Jefferson St.; to declare an emergency and for other purposes. Item presented by Ernest Cate, City Attorney. 4-8
- 7. <u>An Ordinance</u> ordering the razing (demolition) and removal of a certain residential structure within the City of Springdale, Arkansas, located at 2485 E. Emma Avenue; to declare an emergency and for other purposes. Item presented by Ernest Cate, City Attorney. 9-14

#### ORDINANCE NO.

AN ORDINANCE REPEALING ORDINANCE NO. 3194; ESTABLISHING A TRAFFIC SIGNAL CONTROLLER STANDARD AND A VIDEO DETECTION SYSTEM STANDARD FOR USE IN TRAFFIC SIGNALS WITHIN THE CITY OF SPRINGDALE, TO WAIVE COMPETITIVE BIDDING, TO DECLARE AN EMERGENCY, AND FOR OTHER PURPOSES.

WHEREAS, it has come to the attention of the City Council for the City of Springdale, Arkansas, that the Public Works Department is in need of establishing a standard for traffic signal controllers and video detection systems to be used in existing and future traffic signals within the City of Springdale;

**WHEREAS,** on March 12, 2002, the City Council for the City of Springdale, Arkansas, adopted Ordinance No. 3194, which established a traffic signal controller and video detection system standard for use in traffic signals within the City of Springdale;

WHEREAS, McCain traffic controllers and Gridsmart video detection are reasonably priced;

**WHEREAS**, McCain traffic controllers and Gridsmart video detection are considered to be state of the art in traffic signal equipment;

WHEREAS, the equipment's technology allows the City to connect via Ethernet, which makes it easier to maintain and simplifies connectivity at network connected intersections;

WHEREAS, standardizing on McCain traffic controllers and Gridsmart video detection significantly reduces the cost to maintain a spare parts inventory and repair/maintenance manuals;

WHEREAS, standardizing on traffic signal equipment greatly simplifies traffic signal personnel training;

WHEREAS, the Springdale Public Works Department, Traffic Signal Technicians are presently trained on McCain traffic controllers and Gridsmart video detection;

WHEREAS, the Springdale Public Works Department has determined that the Pinkley Sales Company whom has exclusive rights to McCain and Gridsmart equipment in this area is extraordinarily responsive in the maintenance of a spare parts inventory as well as dispatching technicians to Springdale when requested;

WHEREAS, the City of Fayetteville, Lowell, Bethel Heights, Siloam Springs, and other surrounding cities have committed to standardizing on McCain traffic controllers allowing each city to assist each other with technical advice and/or parts during emergencies;

**WHEREAS**, the City of Springdale has been implementing both McCain traffic controllers and Gridsmart video detection equipment at various intersections, with great success, and the Sunset corridor form Pleasant to Jones Rd will completed this year;

**WHEREAS**, Gridsmart video detection systems are more reliable and easier to maintain than other video detection systems and/or buried sensor loop detection systems;

**WHEREAS,** Gridsmart video detection systems do not require lane closure or disruption of traffic during installation and/or maintenance;

WHEREAS, all the data bases for the controllers and the video detection can be stored on a thumb-drive, which saves time on maintenance and down time at an intersection;

WHEREAS, Gridsmart video detection equipment provide a digital image for interpretation of real time traffic patterns as well as accurate traffic counts and historical data that can be used to facilitate the coordination of traffic signals at the Springdale Public Works Computerized Traffic Control Center;

**WHEREAS**, based on the foregoing, it is in the best interests of the citizens of the City of Springdale, Arkansas, to repeal Ordinance No. 3194, and to establish a new standard for a traffic signal controller and video detection system within the City of Springdale.

# NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF SPRINGDALE, ARKANSAS:

- **Section 1:** That the Springdale Public Works Department is hereby authorized to standardize on McCain ATC eX2 traffic controllers and Gridsmart video detection with the Performance Plus package for new traffic signals and for use in the upgrade of old traffic signals.
- **Section 2:** That competitive bidding is not deemed feasible or practical for the reasons previously stated herein, and is therefore waived.
  - **Section 3:** Ordinance No. 3194 is hereby repealed.

**Section4:** Emergency Clause. It is hereby declared that an emergency exists and this ordinance, being necessary for the preservation of the health, safety and welfare of the citizens of Springdale, Arkansas, shall be in effect immediately upon its passage and approval.

<b>PASSED AND APPROVED</b> this _	day of	_, 2019.
ATTEST:	Doug Sprouse, Mayor	
Denise Pearce, CITY CLERK  APPROVED AS TO FORM:		
Ernest B. Cate, CITY ATTORNEY	_	

ORDINANCE	NO.

AN ORDINANCE ORDERING THE RAZING (DEMOLITION) AND REMOVAL OF A CERTAIN RESIDENTIAL STRUCTURE WITHIN THE CITY OF SPRINGDALE, ARKANSAS, LOCATED AT 1201 N. JEFFERSON ST.; TO DECLARE AN EMERGENCY AND FOR OTHER PURPOSES.

**WHEREAS**, Danny H. High, is the **owner** of certain real property situated in Springdale, Washington County, Arkansas, **more** particularly described as follows:

A part of the S 1/2 of the SE 1/4 of the SE 1/4 of Section 25, Township 18 North, Range 30 West, in Washington County, Arkansas, being more particularly described as follows, to-wit: From the SE corner of said Section 35, run West 8921.81 feet; thence North 5°40'12" East 779.62 feet to the POINT OF BEGINNING; thence North 4°29'17" East 80.9 feet; thence South 89°14'57" East 273.34 feet; thence South 01°16'52" West 80.75 feet; thence North 89°15'08" West 277.86 feet to the POINT OF BEGINNING, containing .51 acres, more or less.

Commonly known as 1201 N. Jefferson St., Springdale, Washington County, Arkansas

Tax Parcel No. 815-27905-000

**WHEREAS**, the structure on the property is unfit for human habitation, constitutes a fire hazard, otherwise is dangerous to human life, or constitutes a hazard to safety or health by reason of inadequate maintenance, dilapidation, obsolescence, or abandonment, and further is unsightly, and is considered an unsafe and unsightly structure in violation of Springdale City Ordinances (§22-32 and §91-37, et seq.);

WHEREAS, the owner has been notified by the City of Springdale prior to the consideration of this ordinance, that the structure on the property is in violation of various ordinances of the City of Springdale, as well as the Property Maintenance Code of the City of Springdale;

**WHEREAS**, pursuant to Chapter 22-32 of the Ordinances of the City of Springdale, the **owner was** given thirty (30) days to purchase a building permit and to **commence** repairs **on** the property, or to demolish and remove the building from the property;

WHEREAS, the owner has failed, neglected, or refused to comply with the notice to repair, rehabilitate or to demolish and remove the building, and as such, the matter of removing the building may be referred to the City Council pursuant to Chapter 22 and Chapter 91 of the Ordinances of the City of Springdale;

WHEREAS, under Ark. Code Ann. § 14-56-203 and pursuant to Chapter 22 and Chapter 91 of the Springdale Code of Ordinances, if repair or removal is not done within the required time, the structure is to be razed (demolished) and/or removed;

# NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF SPRINGDALE, ARKANSAS:

<u>Section 1</u>. That the <u>structure</u> located at 1201 N. Jefferson St., Springdale, Arkansas, is dilapidated, unsightly, and unsafe; and it is in the best interests of the City of <u>Springdale</u> to proceed with the removal of <u>this</u> dilapidated, unsightly, and unsafe <u>structure</u>.

<u>Section 2</u>. That the owner is hereby ordered to raze (demolish) and remove the dilapidated, unsightly and unsafe structure located on the aforesaid property; and, is further ordered to abate the unsightly conditions on the property. Said work shall be

commenced within ten (10) days and shall be completed within thirty (30) days from the passage of this ordinance. The manner of razing (demolishing) and removing said structure shall be to dismantle by hand or bulldoze and then dispose of all debris, completely cleaning up the property to alleviate any unsightly conditions, in a manner consistent with the Property Maintenance Code, and all other state laws and regulations pertaining to the demolition or removal of residential structures.

Section 3. If the aforesaid work is not commenced within ten (10) days or completed within thirty (30) days, the Mayor, or the Mayor's authorized representative, is hereby directed to cause the aforesaid structure to be razed (demolished) and removed and the unsafe, unsanitary and unsightly conditions abated; and, the City of Springdale shall have a lien upon the aforesaid described real property for the cost of razing (demolishing) and removing said structure and abating said aforementioned conditions, said costs to be determined at a hearing before the City Council.

Section 4. EMERGENCY CLAUSE: The City Council hereby determines that the aforesaid unsafe structure constitutes a continuing detriment to the public safety and welfare and is therefore a nuisance, and determines that unless the provisions of this ordinance are put into effect immediately, the public health, safety and welfare of the citizens of Springdale will be adversely affected. Therefore, an emergency is hereby declared to exist and this ordinance begin necessary for the public health, safety and welfare shall be in full force and effect from and after its passage and approval.

PASSED AND APPROVED this	day of March, 2018.
	MAYOR
ATTEST:	
CITY CLERK	
APPROVED AS TO FORM:	
CITY ATTORNEY	



Office Of The City Attorney

201 Spring Street Springdale, Arkansas 72764 Phone (479) 756-5900 Fax (479) 750-4732 www.springdalear.gov

January 15, 2018

Erriest B. Cate City Attorney ecate@springdalear.gov

Taylor Samples Senior Deputy City Attorney Isamples@springdalear.gov

Sarah Sparkman Deputy City Attorney ssparkman@springdalear.gov

David D. Phillips Deputy City Attorney dphillips@springdalear.gov

Lynda Belvedresí Case Coordinator/ Victim Advocate

lbelvedresi@springdalear.gov

Steve Helms Investigator shelms@springdalear.gov

Cindy Horlick Administrative Legal Assistant/Paralegal chorlick@springdalear.gov

Jacque Roth Docket Coordinator/ Discovery Clerk iroth@sprinodalear.coy CERTIFIED MAIL RETURN RECEIPT REQUESTED

Danny J. High 21576 War Eagle Blacktop Rd. Springdale, AR 72764-9508

RE: Property located at 1201 N. Jefferson St., Springdale, Washington

County, Arkansas,

Tax Parcel No. 815-27905-000

Dear Mr. High:

The Chief Building Inspector for the City of Springdale, Arkansas, has posted notice at 1201 N. Jefferson and has mailed notice in writing to you, via certified mail, that a structure located on property owned by you at 1201 N. Jefferson St., Springdale, Arkansas, was unsafe and could not be occupied until the property had been repaired. Furthermore, the owner was instructed to obtain a demolition or repair permit within thirty (30) days and to begin work within ten (10) days of obtaining the permit.

As of this date, you have taken no efforts to demolish or repair the structure on this property. As such, please be advised that the City Council for the City of Springdale will be reviewing the enclosed ordinance at a Committee Meeting that will take place at 5:30 p.m. on Monday, March 18, 2018, in the multi-purpose room located on the second floor of the City Administration Building at 201 N. Spring Street, Springdale, Arkansas. Also, the enclosed ordinance will be placed on the Council Agenda to be considered on Tuesday, March 26, 2018. This meeting will take place in the Council chambers on the first floor of the City Administration Building. I strongly encourage you to attend these meetings.

Should the City adopt the enclosed ordinance, you will be given a final opportunity to repair or remove the structure. Should you not take advantage of this opportunity, the City of **Springdale** will have the right to raze and remove the structure, and then charge the costs of such as a lien against the property. The

amount of any such lien would be **determined** by the City Council, and you would have the opportunity to be notified and be heard at this meeting. If you should have any questions, please let me know. I am also sending this letter to you via regular mail as well.

Sincerely,

Sarah Sparkman City Attorney

enclosure SS:ch

ce: Mike Chamlee, Chief Building Official Tom Evers, Chief Building Inspector



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AN ORDINANCE ORDERING THE RAZING (DEMOLITION) AND REMOVAL OF A CERTAIN RESIDENTIAL STRUCTURE WITHIN THE CITY OF SPRINGDALE, ARKANSAS, LOCATED AT 2485 E. EMMA AVENUE; TO DECLARE AN EMERGENCY AND FOR OTHER PURPOSES.

 WHEREAS, Cory L. Rogers, is the owner of certain real property situated in Springdale, Washington County, Arkansas, more particularly described as follows:

Part of the Southeast Quarter (SE/4) of the Southeast Quarter (SE/4) of Section Thirty-one (31), Township Eighteen (18) North, Range Twenty-nine (29) West, being more particularly described as follows: Beginning at the Northeast corner of said 40 acre tract, said point being an existing railroad spike in East Emma Avenue; thence N87°33'23"W along the North line of said 40 acre tract 165.00 feet to a point from which a reference iron set on the South right-of-way of said street bears S02°29'56"W 45.77 feet; thence leaving the North line of said 40 acre tract S02°29'56"W275.00 feet to a set cotton spindle, said point being in McCollough Drive and from which a reference iron bears S87°33'23"E 15.00 feet; thence S87°33'23"E 165.00 feet to a set iron; thence N02°29'56"E 275.00 feet to the point of beginning, containing 1.04 acres, more or less. The above described 1.04 acre tract being subject to the right-of-way of Emma Avenue along the entire North boundary. The above described 1.04 acre tract also being subject to a fifteen (15) foot wide private road easement, said easement lying east of and being parallel with and adjacent to the West boundary.

County Arkaneae

County, Arkansas

Tax Parcel No. 815-28738-260

WHEREAS, the structure on the property (old mobile home and horse shed) is unfit for human habitation, constitutes a fire hazard, otherwise is dangerous to human life, or constitutes a hazard to safety or health by reason of inadequate maintenance, dilapidation, obsolescence, or abandonment, and further is unsightly, and is considered an unsafe and unsightly structure in violation of Springdale City Ordinances (§22-32 and §91-37, et seq.);

**WHEREAS**, the owner has been notified by the City of Springdale prior to the consideration of this ordinance, that the structure on the property is in violation of various ordinances of the City of Springdale, as well as the Property Maintenance Code of the City of Springdale;

**WHEREAS**, pursuant to Chapter 22-32 of the Ordinances of the City of Springdale, the owner was given thirty (30) days to purchase a building permit and to commence repairs on the property, or to demolish and remove the building from the property;

**WHEREAS**, the owner has failed, neglected, or refused to comply with the notice to repair, rehabilitate or to demolish and remove the building, and as such, the matter of removing the building may be referred to the City Council pursuant to Chapter 22 and Chapter 91 of the Ordinances of the City of Springdale;

WHEREAS, under Ark. Code Ann. § 14-56-203 and pursuant to Chapter 22 and Chapter 91 of the Springdale Code of Ordinances, if repair or removal is not done within the required time, the structure is to be razed (demolished) and/or removed;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF SPRINGDALE, ARKANSAS:

**Section 1.** That the structure (old mobile home and horse shed) located at 2485 E. Emma Ave., Springdale, Arkansas, is dilapidated, unsightly, and unsafe; and it is in the best interests of the City of Springdale to proceed with the removal of this dilapidated, unsightly, and unsafe structure.

Section 2. That the owner is hereby ordered to raze (demolish) and remove the dilapidated, unsightly and unsafe structure (old mobile home and horse shed) located on the aforesaid property; and, is further ordered to abate the unsightly conditions on the property. Said work shall be commenced within ten (10) days and shall be completed within thirty (30) days from the passage of this ordinance. The manner of razing (demolishing) and removing said structure shall be to dismantle by hand or bulldoze and then dispose of all debris, completely cleaning up the property to alleviate any unsightly conditions, in a manner consistent with the Property Maintenance Code, and all other state laws and regulations pertaining to the demolition or removal of residential structures.

Section 3. If the aforesaid work is not commenced within ten (10) days or completed within thirty (30) days, the Mayor, or the Mayor's authorized representative, is hereby directed to cause the aforesaid structure to be razed (demolished) and removed and the unsafe, unsanitary and unsightly conditions abated; and, the City of Springdale shall have a lien upon the aforesaid described real property for the cost of razing (demolishing) and removing said structure and abating said aforementioned conditions, said costs to be determined at a hearing before the City Council.

Section 4. EMERGENCY CLAUSE: The City Council hereby determines that the aforesaid unsafe structure constitutes a continuing detriment to the public safety and welfare and is therefore a nuisance, and determines that unless the provisions of this ordinance are put into effect immediately, the public health, safety and welfare of the citizens of Springdale will be adversely affected. Therefore, an emergency is hereby declared to exist and this ordinance begin necessary for the public health, safety and welfare shall be in full force and effect from and after its passage and approval.

PASSED AND APPROVED this \_\_\_\_\_ day of April, 2019.

## **AFFIDAVIT**

STATE OF ARKANSAS	)
	)SS
<b>COUNTY OF WASHINGTON</b>	)

- I, Steve Helms, upon my oath, state as follows:
- 1. That I am the Investigator for the Springdale City Attorney's Office.
- 2. That on March 26, 2019, I sent a text message to Cory Rogers asking him to call me at his convenience.
- 3. That on March 26, 2019, I received a phone call from Cory Rogers stating that he did receive the letter from our office dated February 22, 2019.

FURTHER, affiant sayeth naught.

Steve Helms

SUBSCRIBED AND SWORN to before me, a Notary Public, this 26th day of March, 2019.

My Commission Expires:

12/20/2020

CYNTHIA K. HORLICK
OFFICIAL SEAL - NOTARY PUBLIC
WASHINGTON COUNTY ARKANSAS
COMMISSION # 12379341
MY COMMISSION EXPIRES 12-01-2020

Notary Public



Office Of The City Attorney

201 Spring Street Springdale, Arkansas 72764 Phone (479) 756-5900 Fax (479) 750-4732 www.springdalear.gov

February 22, 2019

Ernest B. Cate City Attorney ecate@springdalear.gov

Taylor Samples Senior Deputy City Attorney tsamples@springdalear.gov

Sarah Sparkman Deputy City Attorney ssparkman@springdalear.gov

David D. Phillips Deputy City Attorney dphillips@springdalear.gov

Lynda Belvedresi Case Coordinator/ Victim Advocate Ibelvedresi@springdalear.gov

Steve Helms Investigator shelms@springdalear.gov

Cindy Horlick Administrative Legal Assistant/Paralegal chorlick@springdalear.gov

Jacque Roth Docket Coordinator/ Discovery Clerk jroth@springdalear.gov CERTIFIED MAIL RETURN RECEIPT REQUESTED

Cory L. Rogers 1571 N. Maxwell Dr. Fayetteville, AR 72703

RE: Property located at 2485 E. Emma Ave., Springdale, Washington

County, Arkansas,

Tax Parcel No. 815-28738-260

Dear Mr. Rogers:

The Chief Building Inspector for the City of Springdale, Arkansas, has posted notice at 2485 E. Emma Ave. (old mobile home and horse shed) and has mailed notice in writing to you, via certified mail, that a structure located on property owned by you at 2485 E. Emma Ave., Springdale, Arkansas, was unsafe and could not be occupied until the property had been repaired. Furthermore, the owner was instructed to obtain a demolition or repair permit within thirty (30) days and to begin work within ten (10) days of obtaining the permit.

As of this date, you have taken no efforts to demolish or repair the structure on this property. As such, please be advised that the City Council for the City of Springdale will be reviewing the enclosed ordinance at a Committee Meeting that will take place at 5:30 p.m. on Monday, April 1, 2019, in the multi-purpose room located on the second floor of the City Administration Building at 201 N. Spring Street, Springdale, Arkansas. Also, the enclosed ordinance will be placed on the Council Agenda to be considered on Tuesday, April 9, 2019. This meeting will take place in the Council chambers on the first floor of the City Administration Building. I strongly encourage you to attend these meetings.

Should the City adopt the enclosed ordinance, you will be given a final opportunity to repair or remove the structure. Should you not take advantage of this opportunity, the City of Springdale will have the right to raze and remove the structure, and then charge the costs of such as a lien against the property. The amount of any such lien would be determined by the City Council, and you would

have the opportunity to be notified and be heard at this meeting. If you should have any questions, please let me know. I am also sending this letter to you via regular mail as well.

Sincerely,

Sarah Sparkman
City Attorney

enclosure SS:ch

cc: Mike Chamlee, Chief Building Official Tom Evers, Chief Building Inspector

Office Of The City Attorney 201 Spring Street Springdale, Arkansas 72764





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EOPOST

Cory L. Rogers 1571 N. Maxwell Dr. Fayetteville, AR 72703

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